IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Liu, et al.	)	Group Art Unit 2785
Appl. No.	:	08/942,384	)	
Filed	:	October 1, 1997	)	
For	:	SYSTEM FOR AUTOMATICALLY REPORTING A SYSTEM FAILURE IN A SERVER	)	
Examiner	:	L. Hua	)	

DECLARATION UNDER 37 C.F.R. § 1.131

1. This declaration is to establish the status of the invention in the above-captioned U.S. patent application in the United States on May 30, 1996, which is the effective date of U.S. Patent No. 5,815,652, entitled "COMPUTER MANAGEMENT SYSTEM", to Ote, et al. which was cited by the Examiner against the above-captioned application.

2. We are the named joint inventors of the described subject matter and all claims in the above-referenced application.

3. We have read the Office Action mailed October 27, 1999 (Paper No. 11) regarding the patent application.

4. We developed our invention as described and claimed in the subject application in this country, and acted with due diligence to reduce the invention to practice from at least May 30, 1996, as evidenced by the following events:

a. By at least May 30, 1996, we had conceived of a system for reporting a failure condition in a server system, comprising: a controller which monitors the server system for system failures and generates an event signal and failure information if a system failure is detected, a system interface, coupled to the controller, which receives the event signal, a central processing unit, coupled to the system interface, wherein, upon receiving the event signal, the

system interface reports an occurrence of an event to the central processing unit, and a system log which receives failure information communicated from the system interface and stores said failure information.

b. Furthermore, by at least May 30, 1996 we had conceived of a failure reporting system for a server system, comprising a controller which monitors the server system for system failures and generates an event signal and failure information if a system failure is detected, a system recorder, coupled to the controller, which receives the failure information and assigns a date and time to the failure information, a system log which stores the failure information, a system interface, coupled to the controller, which receives and stores the event signal and reports an occurrence of an event to a central processing unit, coupled to the system interface, wherein the central processing unit executes a software program which allows a system operator to access the system log to read failure information stored therein, a remote interface, coupled to the controller, which receives the event signal and reports the occurrence of an event to a computer external to the server system, and a switch, coupled to the remote interface, which switches connectivity to the remote interface between a first computer and a second computer, wherein the first computer is a local computer, coupled to the switch via a local communications line, and the second computer is a remote computer, coupled to the switch via a modem connection.

c. Our conception and subsequent inventive activity leading to an actual and constructive reduction to practice of an embodiment of the present invention is evidenced by the following:

d. By at least May 30, 1996, we had conceived of using a network of microcontrollers as the monitoring and control hardware of the subject invention. A document, entitled "Raptor Wire Service Architecture, Version 1.2" ("Wire Architecture"), was written at least as early as March 19, 1996, as evidenced by the document date. A copy of Wire Architecture is attached as **Exhibit A**. Wire Architecture describes a controller which monitors the server system for system failures, and generates an event signal and failure information if a system failure is detected (CPU A and/or CPU B controller shown on figure on page 1), a system interface, coupled to the controller, which receives the event signal (system interface controller shown on figure on page 1), a central processing unit, coupled to the system interface, wherein, upon receiving the event signal, the system interface reports an occurrence of an event to the

central processing unit (system interface controller connected to central processing unit via ISA bus; "it is assumed that the interface is reliable between the system processors and the interface processor.", p. 13; "If any data temperature exceeds limit and WS_SYS_OVERTMP is clear, set WS_SYS_OVERTEMP, send a TEMPERATURE event to the system and remote interfaces, log WS_SYS_TEMP_SHUT", p. 33), and a system log which receives failure information communicated from the system interface and stores said failure information (NVRAM shown in Figure 1 and connected to system recorder).

Wire Architecture also describes in addition to the features described above, a controller which monitors the server system for system failures and generates an event signal and failure information if a system failure is detected, a remote interface which receives the event signal and reports the occurrence of an event to a computer external to the server system (remote interface controller shown on Figure 1).

e. We had conceived of a control diagnostic and monitor subsystem for a server system. A document, entitled "Raptor System: A Bird's Eye View, Version 0.99", was written at least as early as November 2, 1995, as evidenced by the document date. A copy of the cover page, and pages 8 and 9 of document is attached as **Exhibit B**. The Control Diagnostic and Monitor subsystem (CDM) supervises or monitors various system attributes, such as environmental conditions. In one embodiment, the CDM creates a request message which identifies one or more environmental conditions of the computerized environment, sends the request message from a requestor to a microcontroller network which manages the environmental conditions, obtains the status of the identified conditions, creates a response message reporting the status, and sends the response message from the microcontroller network to the requestor.

Further, Exhibit B, page 8, describes a system to monitor and manage specific functions of the first computer through a Control Diagnostic and Monitor (CDM) subsystem implemented by distributed CDM microprocessors connected to an I^2C serial (CDM) bus. The CDM can supervise and manage selected environmental conditions externally from a remote second computer via the CDM bus and communication lines. Examples of monitored and managed environmental conditions of a computer are fan speed, the temperatures of the motherboard, and of the backplane. Thus, Exhibit A illustrates providing a microcontroller network and executing

commands on at least one microcontroller which manages and diagnoses system functions (Claim 1).

5. I, Karl S. Johnson, am listed as an inventor on provisional Patent Application Nos. 60/046,397, 60/047,016, 60/046,416, each filed May 13, 1997, which each are priority applications for the subject application.

6. We are the listed inventors on the subject regular patent applications filed on October 1, 1997.

7. All acts leading to the reduction of practice were performed in the United States.

8. This declaration is submitted prior to a final rejection.

Penalty of Perjury Statement

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated:_____ By:_____
Karl S. Johnson

Dated:_____ By:_____
Ji-Whan Liu

Dated:_____ By:_____
Ken Nguyen

S:\DOCS\EMN\EMN-4426.DOC
012500